



COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is of the following type:

- | | | | |
|--------------------------|-----------------------|--------------------------|----------------------|
| <input type="checkbox"/> | original | <input type="checkbox"/> | divisional |
| <input type="checkbox"/> | design | <input type="checkbox"/> | continuation |
| <input type="checkbox"/> | supplemental | <input type="checkbox"/> | continuation-in-part |
| X | national stage of PCT | | |

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled AN INTRALUMINAL INFLATABLE COUNTER-PULSATION HEART ASSIST DEVICE, the specification of which

- (a) ☐ is attached hereto OR
(b) X was filed on August 4, 2003 as United States Application Serial No. 10/634,462, and was amended on _____ if applicable
(c) ☐ was described and claimed in PCT International Application No. _____, filed on _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56, including for continuation-in-parts applications, material information which became available between the filing date of the prior application and the filing date of the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 USC 119 (a) – (d), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by check the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s) or any PCT international application having a filing date before that of the application of which priority is claimed.

- (d) ☐ no such applications have been filed
(e) ☐ such application have been filed as follows:

| Prior Foreign Application Number(s) | Country | Date of Filing | Priority Claimed | |
|-------------------------------------|-----------|-------------------|------------------|----|
| | | | Yes | No |
| 2002952730 | Australia | November 15, 2002 | X | |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date |
|-----------------------|-------------|
| | |

I hereby claims the benefit under 35 USC § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 USC § 112, I acknowledge the duty to disclose material information as defined in 37 CFR § 1.56(a), regarding events which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status-patented, pending, abandoned |
|------------------------|-------------|-------------------------------------|
| | | |

I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Brooks, James C., Reg. 29,898
 Campione, Trent E. 46,598
 Daybell, Donald, Reg. 50,877
 Fowler, Charles C., Reg. 39,675
 Geriak, James W., Reg. 20,233
 Liu, Joseph K. 51,957
 McKernan, Lynn Reg. 41,986
 Melville, Hope E., Reg., 34,874

Miller, Jeff Reg. 35,287
 Mulville, Kurt T., Reg. 37,194
 Roberts, Kenneth S., Reg. 38,283
 Stockwell, Davin M., Reg. 41,334
 Stone, Samuel B., Reg. 19,297
 Wang, David E., Reg. 38,358
 Ward, Lisa C., Reg. 41,421


Direct all correspondence to :


34313

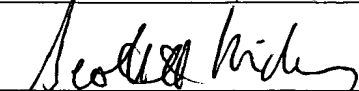
PATENT TRADEMARK OFFICE


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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | | | | |
|----------------------|-------------------------|---|---|---------------------------------------|------------------|
| 201 | FULL NAME OF INVENTOR | FIRST Name William | MIDDLE Initial Suttle | LAST Name Peters | |
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| INVENTOR'S SIGNATURE | |  | | Date: 14/0ct/07 | |

| | | | | | |
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| 202 | FULL NAME OF INVENTOR | FIRST Name Hans | MIDDLE Initial Hansforth | LAST Name Henrichsen | |
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| INVENTOR'S SIGNATURE | |  | | Date: 3/nov/03 | |

| | | | | | |
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| 203 | FULL NAME OF INVENTOR | FIRST Name Scott | MIDDLE Initial Hugh | LAST Name Miller | |
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| INVENTOR'S SIGNATURE  Date: 13 Oct 03 | | | | | |

| | | | | | |
|--|-------------------------|------------------------|---------------------------------------|-------------------------------------|------------------|
| 204 | FULL NAME OF INVENTOR | FIRST Name Rodney | MIDDLE Initial Gordon | LAST Name Parkin | |
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| INVENTOR'S SIGNATURE  Date: 15 Oct 2003 | | | | | |

Please type a plus sign (+) inside this box →

+

PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| | | |
|--|-------------------------------|---|
| POWER OF ATTORNEY OR AUTHORIZATION OF AGENT | Application Number | 10/634,462 |
| | Filing Date | 4 August 2003 |
| | First Named Inventor | William Suttle PETERS et al |
| | Title | An Intraluminal Inflatable Counter-pulsation Heart Assist Device |
| | Group Art Unit | |
| | Examiner Name | |
| | Attorney Docket Number | |

I hereby appoint

☐ Practitioners at Customer Number → Place Customer
Number Bar Code
Label Here

OR

☐ Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
| | |
| | |
| | |
| | |

As my/our attorney(s) or agents(s) to prosecute the application identified above, and to transact all Business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number

OR

☐ Practitioners at Customer Number →

| | | | | | |
|---|--|-------|--|-----|--|
| <input type="checkbox"/> Firm or Individual Name | | | | | |
| Address | | | | | |
| City | | State | | ZIP | |
| Country | | | | | |
| Telephone | | Fax | | | |

I am the:

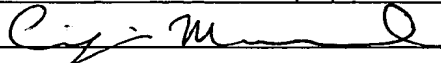
☐ Applicant/Inventor.

☒ Assignee of record of the entire interest

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Orrick Herrington & Sutcliffe LLP

| | |
|-----------------|---|
| Name & Title | CRISPIN MARSH, DIRECTOR |
| Signature |  |
| Date | 18 NOV. 2003. |
| Date Month Year | |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more that one signature is required, see below *.

☒ * Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, US Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 2023.

SF 1343318v1

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Sunshine Heart Company Pty LtdApplication No./Patent No.: 10/634,462 Filed/Issued Date: 4 August 2003Entitled: An Intraluminal Inflatable Counter-pulsation Heart Assist DeviceSunshine Heart Company Pty Ltd a an Australian company ACN 090 552 300

(Name of Assignee)

(Type of Assignee, eg., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
 2. ☐ an assignee of less than the entire right, title, and interest.
 The extent (by, percentage) of its ownership interest is _____ %

In the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from Inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the Inventor(s), of the patent application/patent identified above, to the current assignee As shown below:

1. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (ie., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, If the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Sunshine Heart Company Pty Ltd

18 NOV 2003
 Date
 Day Month Year

CRISPIN MARSH
 Typed or printed name


 Signature

DIRECTOR
 Title

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